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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>1-18-06</u> Signature <u>[Signature]</u> Typed or printed name <u>Darren E. Pieczynski</u>		Application Number <u>10/066,267</u>	Filed <u>2-02-02</u>
		First Named Inventor <u>Darren Edward Pieczynski</u>	
		Art Unit <u>3643</u>	Examiner <u>Kurt Roman</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>[Signature]</u> Signature <u>Darren E. Pieczynski</u> Typed or printed name <u>906-224-6581</u> Telephone number <u>1-18-06</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1-18-06

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**Pre Appeal Brief Request for Review**

Dear Sir,

Please find the reasons for the request of the review below.

Per this program the applicant feels the rejections of record are clearly without basis and the factual deficiencies in the rejection are listed.

Please reference Final Rejection of Office Action mailed 10-19-05.

1. The last office action states Muenchow and Eppley show tip-ups, with reflective enclosures.  
Fact: Muenchow and Eppley do not disclose reflective enclosures. (Page 2 of the Office Action). The examiner seems to be confused between tip-ups and tip-up displays.

The applicant's claims are clearly being rejected by inaccurate statements by the examiner.

2. The last Office Action states on Page 3, of the final rejection, that said enclosures of Muenchow and Eppley are inherently reflective otherwise they would not be seen when light is shined on them.  
Fact: The USPTO is stating that all inventions are "reflective". Therefore any prior or new patents that state reflectivity shall be void as everything is "inherently" reflective whether stated or not in the specifications.

The applicant argues the current invention states the enclosure to be made of reflective material in the specification and claims a reflective enclosure. This is a function of the device and a stated object of the invention per the specification. Neither Muenchow nor Eppley disclose reflective properties. This difference alone is "new and useful" therefore patentable by definition.

The applicant respectfully requests a review of the factual deficiencies in the final rejection. The examiners should be held to state the facts of prior applications and not insert words at their discretion that are not referenced in the prior art patents used for rejection purposes.

Respectfully Submitted,

  
Darren E. Pieczynski